IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 19416 of 2004

Between:

B.H.E.L.MIG Employees Co-operative Housing Society Ltd. Phase-II (Regd.No.TBC.655) Office: 'B' Park, MIG Phase-II Colony, Ramachandrapuram, Hyderabad rep.by its Secretary P.Sadanandam.

..... PETITIONER

AND

The Assistant Provident Fund Commissioner, Employees Provident Fund Organisation, Sub-Account Office, Patancheruvu, Medak District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in seeking to enforce the impugned order dated 19-07-2004 followed by consequential seizure of Bank accounts of the Petitioner in State Bank of Hyderabad (Current account No.01000050100) Ramachandrapuram, Hyderabad and Andhra Bank (Current Account No.1405, S.B.Account No.11389) Ramachandrapuram, Ashoknagar, Hyderabad respectively, issued for recovery of the alleged dues towards the purported contributions under section 7(A) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 as the petitioner was not covered by the provisions of the Employees provident Fund Act for the demand period / notice period as the same is arbitrary and illegal and violative of principles of natural justice.

Counsel for the Petitioner: MR.S.SUDARSHAN

Counsel for the Respondent: MR.R.N.REDDY

The Court made the following:

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19416 OF 2004

ORDER:

B.H.E.L.MIG Employees Cooperative Housing Society Limited, Ramachandrapuram, Hyderabad, assails the order of the Assistant Provident Fund Commissioner, respondent herein, determining the arrears of provident fund contributions under Section 7A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short, the Act). Various grounds are urged in the writ petition to assail the impugned order. This Court while admitting the writ petition on 19.10.2004 passed interim order in W.P.M.P.No.25445 of 2004 staying the order dated 19.07.2004 subject to condition of the petitioner depositing half of the amount demanded in the impugned order dated 19.07.2004 within a period of four weeks therefrom. Though the interlocutory matters are listed, this order disposes the writ petition with the consent of both the learned counsel.

Having regard to the fact that against the orders passed by the Assistant Provident Fund Commissioner, the petitioner has an effective alternative remedy under Section 7-I of the Act, this Court is not inclined to go into these questions at this stage. It is also brought to the notice of this Court by the learned counsel for the petitioner that after receiving the impugned order, the petitioner had paid fifty per cent of the amount demanded. If that be so, nothing prevents the petitioner to approach the Appellate Tribunal, New Delhi, against the impugned order. The petitioner is directed to approach the Appellate Tribunal within two weeks from the date of receipt of a copy of this order. Till the petitioner obtains appropriate orders, no coercive action shall be taken against it.

The writ petition is accordingly disposed of.

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(V.V.S.RAO,J)

14.06.2005.

pln

To

1. The Assistant Provident Fund Commissioner, Employees Provident Fund Organisation, Sub-Account Office, Patancheruvu, Medak District.

2. 2CD copies.